

**UNITED STATES DISTRICT COURT
IN THE EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

INNOVATION VENTURES, LLC, d/b/a
LIVING ESSENTIALS,

Plaintiff,

v.

N.V.E., INC.,

Defendant.

Case No. 08-11867
Hon. Lawrence P. Zatkoff

ORDER

On September 15, 2010, the Court entered an Opinion and Order granting Defendant N.V.E., Inc.'s ("NVE") summary judgment on Plaintiff's trademark infringement case against NVE. The Court granted summary judgment in favor of Plaintiff on Defendant's nine counterclaims. On October 11, 2010, Plaintiff filed its notice of appeal to the Sixth Circuit Court of Appeals.

On October 13, 2010, NVE filed this motion asserting that it was the prevailing party on account of the Court's September 15, 2010, Order, and is therefore entitled to recover its costs and attorney fees.

On September 13, 2012, the Sixth Circuit Court of Appeals entered an Opinion reversing this Court's September 15, 2010, Order with respect to the trademark infringement and false advertising claims and affirmed this Court with respect to the Sherman Act claims. The case was remanded to this Court for further proceedings.

Accordingly, Defendant's Motion for Attorney's Fees [dkt 249] is DENIED as moot.

IT IS SO ORDERED.

Dated: March 27, 2013

s/Lawrence P. Zatkoff
LAWRENCE P. ZATKOFF
U.S. DISTRICT JUDGE

